

Remarks

These remarks are responsive to the Office Action dated November 15, 2005. Applicants thank the Examiner for carefully considering the subject application.

Procedural Issues

The Office action has asserted that claims 1, 3-8, and 10-16 are pending. However, according to the previous response filed by Applicants, claims 1-3, and 6-16 are pending. Applicants respectfully request correction in the record.

Double Patenting Issues

Applicants include herewith terminal disclaimers to the various patents cited in the Office action and thus submit that this issue is now moot.

Thus, since there are no further objections or rejections applied to claims 2 or 9, Applicant submit that these claims should be allowable.

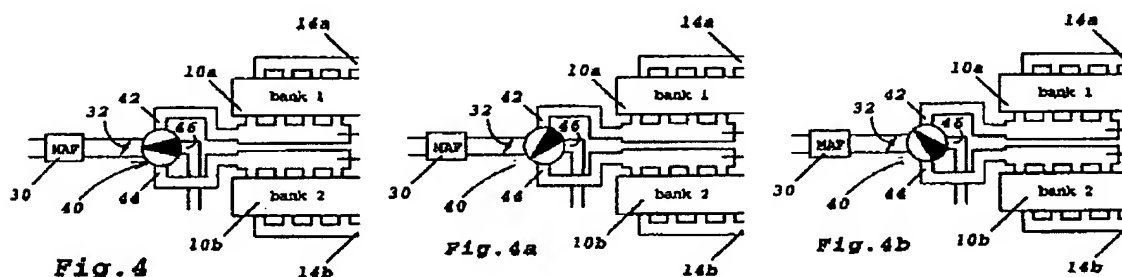
Cited Reference

The Office action again applied Ma to the pending claims. Specifically, the Office action relies on the last embodiment, Figure 4, of Ma at Col. 6, lines 3-21. As previously noted, Applicants disagree for the reasons already set forth. However, to advance prosecution of the application, Applicants have amended claim 1 to include the limitations of claim 16 and thus further distinguish the embodiment of Figure 4. Specifically, in Figure 4, Ma show a unique plumbing arrangement in the intake manifold that routes un-throttled (and un-metered) air to non-combusting cylinders. Specifically, at noted at Col. 5, lines 45-50, when the valve is in the

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position of Figure 4 (reproduced below to the far left), all cylinders are firing. However, when the valve is in the position of Figure 4a, as noted at Col. 5, lines 51-60 (reproduced below in the center), the second bank of cylinders is deactivated, and thus air to the second bank is supplied via port 46, and thus is un-throttled. Likewise, in Figure 4b (reproduced below in the far right), the first bank of cylinders is deactivated, and thus air to the first bank is supplied via port 46, and thus is un-throttled. As such, the embodiment relied on by the Office action clearly fails to show the claimed elements.



In discussing Claim 16, the Office action asserted that Ma showed various features, however, failed to include any assertion as to where in the reference these features were located. As noted above, Applicants submit that the cited disclosure in fact shows the opposite of that which is claimed.

Based on the foregoing comments, the above-identified application is believed to be in condition for allowance, and such allowance is courteously solicited. If any further amendment is necessary to advance prosecution and place this case in allowable condition, the Examiner is courteously requested to contact the undersigned by fax or telephone at the number listed below.

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Please charge any cost incurred in the filing of this Amendment, along with any other costs, to Deposit Account No. 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No. 06-1505.

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being sent via facsimile to the U.S. Patent and Trademark Office at (571) 273-8300 on February 8, 2006.


Lauren Barberena

Respectfully submitted,
ALLEMAN HALL MCCOY RUSSELL &
TUTTLE LLP


John D. Russell
Registration No. 47,048
Customer No. 36865
of Attorneys for Applicants
806 S.W. Broadway, Suite 600
Portland, Oregon 97205
Telephone: (503) 459-4141
Facsimile: (503) 459-4142